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DATE FILED: 1/10/2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEFAN JOHN,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE DETECTIVE
MATTHEW G. WALKER, SHIELD NO.01701;
POLICE OFFICER DIAZ; POLICE OFFICER CHI
W.BAO, SHIELD NO. 10981; CHINEDU CHUKA
NWOSA, M.D.; TOLULOPE OJUDUN; KENZIA
GORDON; YUNGDO PARK; DEPARTMENT OF
CORRECTION COMMISSIONER BRIAN FISHER;
PRISON HEALTH SERVICES, INC.; MICHAEL
CATALANO, CHAIRMAN AND FORMER C.E.O.
OF PRISON HEALTH SERVICES; FAZAL M.
YUSSUF, PRISON HEALTH SERVICES
REGIONAL DIRECTOR OF OPERATIONS;
DOHMH COMMISSIONER THOMAS R.
FRIEDEN; DOHMH COMMISSIONER THOMAS
R. FRIEDEN; DOHMH DEPUTY
COMMISSIONER LOUISE COHEN; PRISON
HEALTH SERVICES INC NURSES JOHN DOE 1-
5; PRISON HEALTH SERVICES INC. DOCTORS
JOHN DOE 1-5; PRISON HEALTH SERVICES
INC. PHYSICIANS' ASSISTANTS 1-5
DEPARTMENT OF CORRECTION EMPLOYEES,
JOHN DOE 1-5

Defendants.

STIPULATION OF
SETTLEMENT AND ORDER OF
DISMISSAL

08 CV 9105 (VM)(RLE)

WHEREAS, plaintiff Stefan John commenced this action by filing a complaint on or
about October 23, 2008, alleging that the defendants violated plaintiff's federal civil and state
common law rights; and

WHEREAS, Defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the issues asserted in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against Defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amounts specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff STEFAN JOHN the sum of ONE HUNDRED FIFTY-SEVEN THOUSAND (\$157,000.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all claims against the defendants and to release the individual Defendants Police Officers Chi Wai Bao, and Matthew Walker, Rene Diaz, Chinedu Chuka Nwosa, Fazel M. Yussuf, Michael Catalano, Kenzia Gordon, Yungdo Park, Tolulope Ojudun, Deputy Commissioner Louise Cohen and Commissioner Thomas R. Frieden, Department of Corrections Commissioner Brian Fisher and the City of New York, and Prison Health Services Inc., any present or former employees and agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses, and attorneys' fees.

3. Plaintiff shall execute and deliver to Defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens. If Medicare has provided payment and/or benefits for any injury or condition that is the subject of this lawsuit, prior to tendering the requisite documents to effect this settlement, Plaintiff shall have notified Medicare and shall submit with the settlement documents a Medicare final demand letter for conditional payments. A Medicare

Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. §1395y(b) and 42 C.F.R. §§411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the Defendants that they in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. Plaintiff agrees to hold harmless Police Officers Chi Wai Bao, and Matthew Walker, Rene Diaz, Chinedu Chuka Nwosa, Fazel M. Yussuf, Michael Catalano, Kenzia Gordon, Yungdo Park, Tolulope Ojudun, Deputy Commissioner Louise Cohen and Commissioner Thomas R. Frieden, Department of Corrections Commissioner Brian Fisher and the City of New York, and Prison Health Services Inc., regarding any liens or past and/or future Medicare payments, presently known or unknown in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendants reserve the right to issue a multiparty settlement check, naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary

the terms and conditions contained herein.

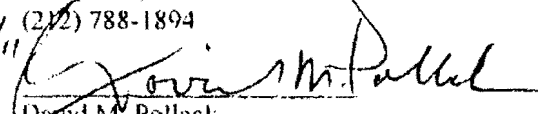
Dated: New York, New York
December 10, 2010

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(212) 788-1894

11/6/11 
David M. Pollack

SO ORDERED:

Dated: New York, New York
~~December~~ 10, 2010
JANUARY 10


HON. VICTOR MARRERO
U.S. DISTRICT COURT JUDGE

BC